

REMARKS

Claims 1-20 have been canceled. Claims 21-40 have been added. The currently pending claims are claims 21-40.

The Applicant wishes to thank Examiners Millar and Snow for an interview on January 11, 2006. During the interview, the issue arose as to the proper interpretation of certain claim terms. In order to clarify matters, it was decided to switch from product claims to generic method claims. In either product or method claims, the implant must be of the proper size to fit into a sinus tarsi. Accordingly, the clause "being operable for insertion into a sinus region" was redrafted as "being inserted into a sinus region."

Support for these claims can be found through out the specification, for example:

¶ [0041] The second member 108 is designed to insert into the narrow, medial, portion of the sinus tarsi, the canalis tarsi. Note again Figures 7-9 below.

¶ [0072] (emphasis added) The proper angle along which the implant is *inserted* into the patients sinus tarsi is then determined with one of the probing devices. The 0.6 cm cannulated probing device is inserted into the sinus tarsi from lateral distal dorsal to medial proximal plantar until it is palpated exiting the medial aspect of the sinus tarsi. The angle of the probing device is the proper angle along which the implant is *inserted*.

¶ [0083] Yet, another advantage is that the implant is inserted via a minimally invasive procedure and no casting is needed following the procedure so that there is a quick recovery.

Applicant believes these claims are in condition for allowance. If the Examiner requires a telephone conference in order to facilitate prosecution, kindly call Applicant's counsel at the telephone number below.

Appl. No. 10/780,872
Sup. response dated January 19, 2005
Reply to Office action of September 26, 2005

If additional fees are required, the Commissioner is hereby authorized to charge any additional fees to deposit account number 11-0853.

A handwritten signature in black ink, reading "Scott W. Houtteman". The signature is fluid and cursive, with the first name "Scott" being more prominent than the last name "Houtteman".

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